

CONFIDENTIAL
WEEKLY HOT TOPICS REPORT for RA/DRA Region 8
Week ending October 5, 2018

OFFICE OF ECOSYSTEMS PROTECTION AND REMEDIATION

South Adams County Water Supply District issued notice of claim against the State of Colorado for the presence of Perfluorinated Compounds in their drinking water.

Key Message: In a September 27, 2018 letter to the State of Colorado Attorney General, the South Adams County Water Supply District (SACWSD) provided notice of a claim against the State for approximately \$1.68 million to address the presence of Perfluorinated Compounds (PFC or PFAS/PFOA) in SACWSD drinking water. SACWSD believes the Chemical Sales Superfund site could be a potential source of the contamination. The state is the lead agency for the Chemical Sales Superfund Site.

- The Chemical Sales Superfund Site is in Commerce City and borders the west side of the Rocky Mountain Arsenal. Operations included storage and repackaging of bulk chemicals from rail cars and drums. There are issues with 1,4-dioxane from the Chemical Sales Superfund site appearing in the SACWSD water supply. The Superfund site team from CDPHE and EPA are addressing this issue in coordination with SACWSD.
- In a July 23, 2018 letter, SACWSD notified customers of the presence of PFCs in drinking water. The notice stated that SACWSD drinking water is safe, no action (e.g., boiling) was required on the part of customers and that levels of PFAS in treated drinking water are below the EPA health advisory level.
- A July 13, 2018 local television news report, highlighted that SACWSD had shut down three supply wells containing PFCs and are now purchasing and blending water from Denver Water to avoid issues with PFCs.
- During the same July 13, 2018 news report, SACWSD also expressed concern about private wells in the area that may be drawing water containing PFCs.
- When the news concerning PFCs and SACWSD came out, the EPA and CDPHE Chemical Sales Superfund team discussed the issue and, based on knowledge of the Site and review of historical documents, do not believe that PFCs were used or handled at the Site.
- CDPHE is using funds available in its EPA Site Assessment program cooperative agreement to sample existing wells to identify the source of the PFC contamination in the groundwater. CDPHE is developing sampling and analysis plans for this effort. Information regarding time frames for sampling and results will be available later.
- The former Stapleton Airport is considered a likely source for these compounds. The Sand Creek Superfund Site and Scott's Liquid Gold are also in the area and considered potential sources.
- Contacts: Bill Murray, Superfund Remedial Program Director 312-6401, Stan Christensen, Unit Chief 303-312-6694. Armando Saenz, RPM 3030312-6995.

Standard Mine Superfund Site, Crested Butte, CO: Planned, controlled release of water scheduled for October 9th

Key Message: A planned, controlled release of water is scheduled from the Level 1 bulkhead starting on October 9, 2018.

- EPA completed construction of a flow-through bulkhead in the Level 1 adit of the Standard Mine in 2017, as part of the Phase 1 remedial action, which is now complete.
- An initial integrity test of the bulkhead was conducted in Fall 2017 for approximately one month.
- In Spring 2018, the bulkhead was closed again prior to spring runoff, to conduct a more substantial test of the bulkhead. Based on data from past years, the bulkhead was to be opened

prior to water rising to, and potentially discharging from, Level 2 of the mine, which was anticipated to occur in late June.

- Due to the very low snowpack during the 2017/2018 winter, minimal runoff, and a dry summer, the water level in the mine has not increased to a level requiring discharge. Nonetheless, EPA and the State agree that we should open the valve now, prior to the onset of winter and the seasonal loss of access to the site.
- Flow will be limited to 40 gpm, which will discharge to a series sediment ponds and an engineered wetland prior to discharging to Elk Creek. It is anticipated to take approximately 28 days to drain the mine pool. EPA, the State and/or our contractor will be onsite during the first week of discharge to continuously monitor water quality. Following the first week, oversight will reduce to every three days.
- Due to low flows in Elk Creek and Coal Creek, water samples will be collected prior to discharge and once a week during the 28-day period at the Level 1 adit discharge and at the bottom of the Elk Creek drainage (immediately upstream of the confluence with Coal Creek). Samples will be analyzed for metals on a quick turnaround (48hrs) and provided to the City of Crested Butte Public Works. The City of Crested Butte water treatment plant intake is located on Coal Creek approximately two miles downstream of the confluence with Elk Creek. Historical data suggests that water quality data at the bottom of Elk Creek has not exceeded MCLs for any of the Site related contaminants.
- The Town of Crested Butte Water Treatment Plant/Department of Public Works has been notified of the planned release.
- The 2018 Bulkhead Closure Plan and a memo describing procedures to be taken during the valve opening are available for further detail.
- Contacts: Andrew Schmidt, Superfund RPM, 303-312-6283, or Steve Wharton, Superfund Unit Chief, 303-312-6935.

Update: Removal of dynamite magazine at the Big 7 Mine Site began October 3, 2018.

Key Message: Controlled burn initiated to neutralize the mine's former/collapsed magazine.

- A subcontractor specializing in the disposal of ordinance and explosives initiated a controlled burn at the Big 7 Mine Site (Site) at 11:40 am on October 3rd to neutralize the hazards presented by the dynamite.
- By 1600 hours the burn had completely consumed the magazine without any detonations.
- The burn will be actively monitored for 24 hours after which the soil in the footprint of the magazine will be turned with an armored back-hoe and sampled for explosives residue.
- A secondary, smaller burn will be initiated on October 5, if warranted.
- The Site is located near the town of Neihart in Cascade County, Montana and is part of the Carpenter-Snow Creek Superfund NPL Site.
- The collapsed magazine at the Site contained a substantial amount of degraded dynamite which had contaminated the soil.
- From October 1-2, a 100-foot fire break was cleared around the magazine.
- The landscape around the magazine has been saturated from four days of continuous rain, and snow and windspeeds are less than eight miles per hour.
- On-site fire suppression support is provided by a contracted fire crew and the U.S. Forest Service (USFS).
- The Cities of Neihart, Monarch, Belt and Great Falls fire departments are on standby.
- All actions will continue to be coordinated with the Neihart Fire District, the Cascade County Sheriff's Office, and the USFS.
- Contacts: OSC Craig Myers, 312-7288; OSC Craig Gigglesman, 312-6723.



OFFICE OF ENFORCEMENT, COMPLIANCE & ENVIRONMENTAL JUSTICE

OPA Enforcement plans to send a Request for Information to Schiele Mobility, Inc. for a discharge in McKenzie County, North Dakota

Key Message: OPA Enforcement is sending a Request for Information to Schiele Mobility, Inc. for the discharge of oil-based mud from a vehicle.

- On November 7, 2016, a discharge of oil-based mud from a vehicle accident was reported to the National Response Center (NRC). Based on a report provided to North Dakota, the discharge consisted of 70 barrels of oil-based mud released on October 21, 2016 into a drainage ditch which drains directly into Bear Den Creek, and eventually flows to the Missouri River.
- The state of North Dakota is not taking enforcement under its NPDES authority, because the spill occurred within the exterior boundaries of the Ft. Berthold Indian Reservation.
- OPA Enforcement is issuing this Request for Information to gather information to determine the extent of the discharge (including actual quantities discharged and the possible impact of the waters of the U.S. and/or its tributaries), the environmental harm resulting from the discharge, and the status of the spill clean-up.
- Contact: Darla Hohman, 312-6263; Management Contact: Stephanie DeJong 312-6362.

OPA Enforcement plans to send a Request for Information to Par Pacific Holdings, Inc. for a discharge in Weston County, Wyoming

Key Message: OPA Enforcement is sending a Request for Information to PAR Pacific for the discharge of oil and/or gasoline as reported to the National Response Center (NRC) on December 19, 2016.

- On December 19, 2016, a discharge of an unknown quantity of oil and/or gas from the Wyoming Refining Company (owned by Par Pacific Holdings) was reported to the National Response Center (NRC). The discharge was reported to have reached water.
- OPA Enforcement is issuing this Request for Information to gather information to determine the extent of the discharge (including actual quantities discharged and the possible impact of the waters of the U.S. and/or its tributaries), the environmental harm resulting from the discharge, and the status of the spill clean-up.
- Contact: Darla Hohman 312-6263; Management Contact: Stephanie DeJong 312-6362.

Region 8 and Justeq, LLC Enter Consent Agreement Resolving FIFRA Violations for Distributing Mis-labeled Pesticides

Key Message: Region 8 and Justeq, LLC Enter Consent Agreement Resolving FIFRA Violations for Distributing Mis-labeled Pesticides.

- Justeq, LLC, a pesticide manufacturer headquartered in Deerfield, Illinois, produces the EPA-registered pesticide Justeq07.
- In May 2014, the EPA conducted a routine FIFRA inspection at one of Justeq's supplemental distributors, the Power Engineering Company located in Salt Lake City, Utah.
- Power Engineering repackaged and relabeled Justeq07 under the name 7407. This product did not have current labels with updated directions regarding environmental protection.
- To ensure pesticides are being properly applied and handled, EPA requires all pesticide registrants to ensure its supplemental distributors are applying current and correct labeling to their pesticide products.
- EPA issued a Stop Sale, Use or Removal Order to Power Engineering to correct its label deficiencies and entered into a consent agreement with Justeq on September 27, 2018, which included a penalty of \$10,400 for the distribution of misbranded pesticides.
- Contacts: Dan Webster, 312-7076; Legal Contact: Erin Agee, 312-6374.

Sanitary Sewer Overflow in Pryor, Montana on the Crow Indian Reservation

Key Message: NPDES Enforcement was informed of a sanitary sewer overflow (SSO) that began on approximately September 26, 2018 and ended on September 28, 2018 in Pryor, Montana. The SSO entered Pryor Creek. No drinking water intakes have been impacted.

- EPA was notified of the SSO from a manhole into Pryor Creek via phone from the Apsaalooke Water and Wastewater Authority on September 27, 2018. The sewer line was jetted on the morning of September 28, 2018 to clear the blockage, and the SSO ceased.
- While the volume of the discharge was not known, the SSO was believed to include most or all the sewage from the collection system for the town.
- Region 8's Drinking Water Program and SDWA Enforcement were alerted of this issue upon NPDES Enforcement learning of the SSO. The Drinking Water Program was not aware of any drinking water intakes in the downstream of the SSO.
- NPDES Enforcement will evaluate enforcement options, which could include an administrative order on consent to ensure routine line cleaning to prevent future SSOs.
- The EPA directly implements the NPDES program in Indian country.
- Technical Contact: Akash Johnson 312-6067; Management Contact: Stephanie DeJong 312-6362.

SDWA Enforcement is Issuing a Notice of Violation for Overdue Reporting Under the Safe Drinking Water Act to the Merit Energy Company (Company) for a Well Located in Wyoming on the Wind River Indian Reservation.

Key Message: SDWA Enforcement Unit plans to issue the Notice of Violation (NOV) the week of October 1, 2018, due to an overdue plugging report.

- The Company notified EPA about the Class II injection well plugging on 8/20/18.

- The actual plugging occurred on 1/19/2018.
- The underground injection control permit (UIC) requires the Company to report the details of plugging its well within 60 days following the plugging.
- The NOV reminds the Company of this standard requirement.
- EPA is issuing this NOV because EPA has direct implementation authority for this well.
- Technical Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521.

SDWA Enforcement Issued a Notice of Violation for Loss of Mechanical Integrity Under the Safe Drinking Water Act to QEP Energy Company (Company) for a Well Located in Utah on the Uintah and Ouray Indian Reservation.

Key Message: ECEJ issued the Notice of Violation (NOV) on October 1, 2018, due to a loss of mechanical integrity.

- The Company notified EPA that the Class II injection well lost mechanical integrity on 9/27/18.
- The underground injection control (UIC) permit requires the Company to maintain mechanical integrity at all wells. A loss of mechanical integrity is a violation of this requirement.
- Before injection may resume, UIC regulations require the well to be repaired successfully. The Company is also required to demonstrate the well has passed a mechanical integrity test and obtain a written authorization from EPA to resume injection.
- The Company also has the option of properly plugging and abandoning the well. Failure to comply may result in an enforcement action.
- EPA is issuing this NOV because EPA has direct implementation authority for this well.
- Technical Contact: Nathan Wiser, 312-6211; Management Contact: Tiffany Cantor, 312-6521.

OFFICE OF PARTNERSHIPS AND REGULATORY ASSISTANCE

Montana Regional Haze Federal Implementation Plan (FIP) to State Implementation Plan (SIP) Letter

Key Message: OPRA's Air Program is sending a letter this week to the Montana Department of Environmental Quality's Acting Director, George Mathieus, related to the regional haze FIP. The purpose of the letter is to provide support to the state regarding replacing the current regional haze FIP with a state regional haze plan. The letter of support was requested by Dave Klemp, Montana's State Air Director.

- After Montana declined to submit a regional haze SIP, the EPA promulgated a FIP for Montana's regional haze program on September 18, 2012, for Colstrip Units 1 and 2, Corette Unit 1 and two cement kilns, Ash Grove and Oldcastle.
- Corette Unit 1 shutdown in 2015. Under a consent decree (CD), to which the EPA was not a party, Colstrip Units 1 and 2 are scheduled to shut down in 2022.
- On April 12, 2018, the President of the United States issued a Presidential Memorandum directing the EPA to "review all full or partial FIPs issued under the 2007 planning period of the Regional Haze Program and to develop options, at the request of affected States, consistent with law, to replace FIPs with approvable SIPs."
- On June 28, 2018, in accordance with the Presidential Memorandum, Air Program staff discussed with Dave Klemp's staff the Region's recommended steps to replace the current regional haze FIP with an approvable SIP.
- The state schedule for submitting a regional haze SIP is spring 2019.
- Contacts: Monica Morales, 312-6936; Jaslyn Dobrahner, 312-6252.

EPA Office of Inspector General (OIG) Regional Request for Tribal New Source Review (NSR) Permitting Information

Key Message: The Air Program has been working on a response to an OIG request for assistance with preliminary research on the EPA's implementation of the NSR air construction permitting program in Indian country.

- Regions 2, 4 and 8 received this request on September 18, 2018.
- Requested information includes, but is not limited to, application receipt/complete dates, public comment periods, permit issue dates and docket links for issued permits. In addition, information on pending permits, budget and regional policies, procedure and guidance documents has also been requested.
- Our response is due by October 9, 2018.
- Contacts: Gail Fallon, 312-6281; Claudia Smith, 312-6520.

OFFICE OF TECHNICAL AND MANAGEMENT SERVICES

No report

OFFICE OF WATER PROTECTION

Second San Juan Watershed Monitoring Program Planning Meeting to be Held October 10 to 11 in the Region 8 Office

Key Message: On October 11-12 EPA, state, and tribal leadership will meet to discuss next steps in implementing the long-term San Juan Watershed monitoring program established under the WIIN Act and funded with \$4M in FY 17 and an additional \$4M in FY 18.

- Regions 8, 6 and 9 and OW have collaborated over the past year with the seven jurisdictions associated with the San Juan Watershed (Arizona, Colorado, New Mexico, Utah, the Navajo Nation, and Ute Mountain Ute Tribe and the Southern Ute Tribe) to develop and begin implementation of the Long-Term Monitoring Program established by the WIIN Act.
- Expected outcomes of the upcoming meeting are: how to build on accomplishments from this past year, how to best communicate to the public these and future accomplishments, and identifying recommendations for other projects for the benefit of the watershed.
- This meeting will build upon an excellent discussion of progress to date with the technical team members that was held in New Mexico in June 2018.
- Contacts: Shera Reems, 312-6888; Johanna Miller, 312-6804.

Region 8 Drinking Water Program Issues a Letter to the Town of Afton, Wyoming Regarding its Periodic Spring Source of Drinking Water

Key Message: The EPA has concerns about the integrity of the Town of Afton's Periodic Spring water supply, and the quality of the spring water provided to the public. EPA's letter outlines those concerns and the required next steps to ensure a safe water supply.

- A principal source of community water supply for the Town of Afton is the Periodic Spring, which is a geologic phenomenon that flows periodically and attracts tourists to the town.
- Over the past several months, Region 8 has been communicating with the Town of Afton, the Wyoming Department of Environmental Quality (WY DEQ) and the Wyoming Association of Rural Water Systems to identify water quality concerns and possible solutions for the Periodic Spring.
- The primary concern is the potential for microbial pathogens to enter the spring collection system and the water supply, which does not have full surface water treatment for removal and inactivation of pathogens.
- EPA's letter outlines the concerns, possible solutions and required next steps.

- It requires the Town to install a sampling station for measuring the turbidity of the Spring's water on a daily or continuous basis, and to notify the EPA if the turbidity levels indicate water quality problems.
- It notifies the Town that the EPA will conduct a microscopic particulate analysis evaluation of the Spring water to determine if surface water indicator organisms are present in the water supply.
- The letter also reminds the Town to separately submit a revised permit application to the WY DEQ with designs for a protective barrier.
- It states that the EPA will continue to work with the Town on a path forward for protecting the water supply.
- Senator Barrasso's office has previously shown interest in this issue. EPA's letter has been delayed by several weeks as WY DEQ determined its requirements for the protective barrier design.
- Contacts: Lisa Kahn, 312-6896; Michael Copeland, 312-6010.